

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2008CF2275
)	EEOC NO.: 21BA81227
CEDRIC A. RICKS)	ALS NO.: 10-0030
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Sakhawat Hussain, M.D., Spencer Leak, Sr., and Rozanne Ronen presiding, upon Cedric A. Ricks' ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")^[1] of Charge No. 2008CF2275; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of Count B and Count C of the Petitioner's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. The Petitioner filed a charge of discrimination with the Respondent on February 26, 2008. The Petitioner alleged that United States Fire Protection, Inc. ("USFP") transferred him (Count A), and laid him off (Count B) because of his race, Black; and retaliated against him for having previously filed a charge of discrimination (Count C), in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On June 17, 2009, the Respondent entered a finding of Substantial Evidence as to Count A.¹ On December 22, 2009, the Respondent dismissed Count B and C of the Petitioner's charge for Lack of Substantial Evidence. On January 14, 2010, the Petitioner filed this timely Request seeking review of the dismissal of Count B and Count C of the charge.
2. USFP and Alliance Fire Protection ("AFP") are each subsidiaries of "API Group."

^[1] In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

¹ On August 4, 2009, the Respondent filed a Complaint of Civil Rights Violation with the Commission on behalf of the Petitioner relative to the allegations of Count A of the charge. Therefore Count A of the charge is not before the Commission on this Request.

3. USFP hired the Petitioner in July 2006 as a Sprinkler Fitter.
4. In December of 2007, USFP transferred the Petitioner to AFP.
5. In January of 2008, the Petitioner filed a charge of race discrimination with the Respondent against USFP.
6. On February 25, 2008, the Petitioner was laid off by AFP.
7. In Count B and Count C of the charge, the Petitioner alleged that USFP laid him off on February 25, 2008, because of the Petitioner's race and in retaliation for having engaged in protected activity.
8. In his Request, the Petitioner asks that Count B and Count C "be approved."
9. In its Response, the Respondent asks the Commission to sustain its dismissal of Count B and Count C of the Petitioner's charge for Lack of Substantial Evidence because at the time the Petitioner was laid off, USFP was not the Petitioner's employer.

Conclusion

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D) (West 2010). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

In Count B and Count C, the Petitioner alleged that USFP laid him off because of his race and in retaliation for having engaged in protected conduct. However, these claims against USFP are not supported by the evidence because it was a different company, AFP, that laid off the Petitioner. Therefore, Count B and Count C against USFP fail because there is no substantial evidence USFP subjected the Petitioner to the adverse action alleged in those Counts.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of Count B and Count C of the charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

Commissioner Rozanne Ronen